

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JAMES HENRY ADUDDLE,  
TDCJ-CID NO.1191046,  
Plaintiff,

v.

FORT BEND COUNTY, *et al.*,  
Defendants.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. H-04-2867

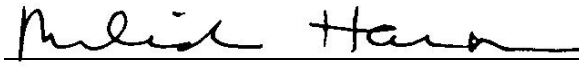
ORDER

The Court enters the following ORDERS on motions now pending:

1. Plaintiff's motion to strike the sworn affidavit of Captain William Fortenberry (Docket Entry No.19) is DENIED.
2. Defendants' motion to strike plaintiff's affidavit and the affidavits of his wife and child (Docket Entry No.22) is GRANTED, in part, and DENIED, in part. The affidavits of plaintiff's wife, Janet Gayle Aduddle, and his child, Shana Joy Stein, do not address any facts or issues relevant to the pending suit. Therefore, defendants' motion to strike these affidavits is GRANTED. The affidavits of Janet Gayle Aduddle and Shana Joy Stein (Docket Entry No.21, Exhibits I, J) are hereby STRICKEN from the record. Defendants' motion to strike portions of plaintiff's affidavits, the letters from Dr. Jimmy Robertson, and plaintiff's letters to various medical providers is DENIED, without prejudice.
3. Defendants' motion for summary judgment (Docket Entries No.15, No.16) is DENIED, without prejudice, subject to reconsideration by the Court upon production of all of plaintiff's medical records. Defendants allege that plaintiff has received extensive medical treatment but declined to produce all medical records in support of their motion for summary judgment. Defendants, however, indicate that they have provided plaintiff with a copy of his medical records. Plaintiff claims that defendants did not produce, and he has not been able to acquire, copies of his medical records from Dr. Jimmy Robertson and the Fort Bend Family Health Center, Memorial Hermann Hospital, and Dr. Trent Carlyle and the Richmond Bone & Joint Clinic, which he claims contravenes defendants' summary judgment evidence. In the interest of justice, the Court ORDERS defendants to provide plaintiff and the Court with a copy of all medical records from all hospitals, clinics, and various medical personnel who provided plaintiff with medical treatment in any manner during his incarceration in the Fort Bend County Jail, including those noted above. Defendants shall produce such documents within thirty

(30) days of entry of this Order. Defendants are not required to reproduce any documents already provided to plaintiff. Plaintiff is ORDERED to file a response to the new records within thirty (30) days of the date in which defendants mailed plaintiff his copy of the additional documents, as shown on defendants' certificate of service. Failure of the plaintiff to respond as ordered, may result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

Signed at Houston, Texas, on December 15, 2005

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON  
UNITED STATES DISTRICT JUDGE